

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TERRENCE TAYLOR,

Plaintiff,

v.

**9:09-CV-1036
(FJS/DEP)**

**GLENN S. GOORD, Commissioner of NYSDOCS,
individually and officially; LESTER WRIGHT,
Deputy Commissioner, Chief Medical Officer for
NYSDOCS, individually and officially; GRAHAM,
Superintendent, Auburn Correctional Facility,
individually and officially; PANG KOOI, Chief
Medical Doctor at Auburn Correctional Facility,
individually and officially; J. DOLAN, Doctor at
Auburn Correctional Facility, individually and
officially; NANCY RYERSON, Nurse Administrator
at Auburn Correctional Facility, individually and
officially; and J. BARETTE, Registered Nurse at
Auburn Correctional Facility, individually and
officially,**

Defendants.

APPEARANCES

OF COUNSEL

**TERRENCE TAYLOR
87-A-1749**
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendants

MICHAEL G. MCCARTIN, AAG

SCULLIN, Senior Judge

ORDER

On September 2, 2010, Magistrate Judge Peebles issued a Report and Recommendation in which he recommended that this Court grant in part and deny in part Defendants' motion to dismiss and grant Plaintiff's motion for leave to amend and to join additional parties. *See* Dkt. No. 42. The parties did not file any objections to those recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Peebles' September 2, 2010 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Peebles' September 2, 2010 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendants' motion to dismiss is **GRANTED** with respect to all of Plaintiff's claims against **Defendants Goord, Wright, and Graham** and **DENIED in all other respects**; and the Court further

ORDERS that Plaintiff's motion for leave to amend and to join additional parties is **GRANTED**; and the Court further

ORDERS that, within **thirty (30) days** of the filing date of this Order, Plaintiff shall file

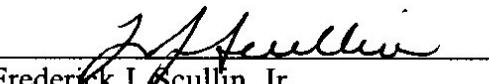
his motion to amend his complaint, together with "a fully integrated second amended complaint, to be substituted for and replace the currently operative, amended complaint. That second amended complaint should incorporate the facts set forth in support of [P]laintiff's pending motion [to amend]." *See* Report and Recommendation dated September 2, 2010, at 33 n.10; and the Court further

ORDERS that, when the Clerk of the Court receives Plaintiff's motion to amend and his proposed second amended complaint, the Clerk of the Court shall forward those documents to Magistrate Judge Peebles for review and a determination of whether the proposed pleading meets the criteria set forth in Magistrate Judge Peebles' September 2, 2010 Report and Recommendation; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: September 23, 2010
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge